

Translation

10/009327 (5060)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference ANDPCT7 | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No. PCT/BE00/00059 | International filing date (day/month/year) 03 June 2000 (03.06.00) | Priority date (day/month/year) 04 June 1999 (04.06.99) |
| International Patent Classification (IPC) or national classification and IPC A01D 34/86, 34/82 | | |
| Applicant SOLAR & ROBOTICS S.A. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

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| Date of submission of the demand 28 December 2000 (28.12.00) | Date of completion of this report 14 September 2001 (14.09.2001) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/B/E00/00059

I. Basis of the report

1. With regard to the elements of the international application:^{*} the international application as originally filed the description:

pages _____ I-7 _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the claims:

pages _____ I-11 _____, as originally filed

pages _____, as amended (together with any statement under Article 19)

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the drawings:

pages _____ 1/3-3/3 _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

 the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

 the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages _____ the claims, Nos. _____ the drawings, sheets/fig _____5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).^{**}

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------------|-----|
| Novelty (N) | Claims | 2, 5, 7-11 | YES |
| | Claims | 1, 3, 4, 6 | NO |
| Inventive step (IS) | Claims | 2, 5, 7-11 | YES |
| | Claims | 1, 3, 4, 6 | NO |
| Industrial applicability (IA) | Claims | 1-11 | YES |
| | Claims | | NO |

2. Citations and explanations

1. Reference is made to the following document:

D1: EP-A-324322.

2. D1 describes a cutting head for a mowing device which includes a motor (3a), of which the drive shaft (3b) is coupled to a cutting disc (rotary blade 3) perpendicular to said shaft and having at least one blade (radial appendage 4) at the edge thereof, and a lower plate (protective disc 6) essentially parallel to and positioned below the cutting disc (3), wherein the edge of the lower plate (6) has projections (teeth formed between the recesses 7) that are essentially coplanar and extend radially beyond the reach of the blades (see Figure 2).

Therefore, the subject matter of Claim 1 is not novel.

3. The expression "in particular for lawn mowers" in Claim 1 has no limiting effect and, therefore, is not taken into account when determining the novelty of the subject matter of Claim 1 in the assessment made in the above point 2. The attention of the

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to a lawn mower does not render said claim novel since the apparatus described by D1 can easily be used to cut grass.

4. D1 also describes the subject matter of Claim 3 (see bearing 16 in Column 3, lines 6-15 and Figure 3) and Claims 4 and 6 (see Figure 2).
5. The combination of features of Claim 2 is not included in the prior art and cannot be derived in an obvious manner therefrom. This combination solves the problem of cutting grass in the presence of hard objects that are smaller in size than the cutting disc without causing damage thereto. Therefore, the subject matter of Claim 2 is considered to be novel and inventive.
Claims 5 and 7-11 are also novel and inventive since they depend on Claim 2.

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VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in document D1 has not been indicated in the description, nor has this document been cited.